

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

WILLIAM GONZALEZ,
Defendant.

No. 1:17-cr-00040-JJM-PAS-7

ORDER

William Gonzalez has petitioned this Court under 18 U.S.C. § 3582(c)(1)(A) for compassionate release. ECF No. 207. The Government objects. ECF No. 208. The Court finds that Mr. Gonzalez has shown extraordinary and compelling reasons and thus GRANTS his Motion for Sentence Reduction.

I. STANDARD OF REVIEW

Under 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.13, once a defendant shows that he has exhausted the Bureau of Prisons' ("BOP") administrative process for compassionate release, or thirty days have lapsed without a decision, whichever occurs first,¹ a district court may reduce a defendant's term of imprisonment provided the court determines: (1) extraordinary and compelling reasons warrant the reduction; (2) the defendant will not be a danger to the safety of any other person or the community; and (3) the sentencing factors outlined in 18 U.S.C. § 3553(a) favor

¹ The Government points out that Mr. Gonzalez did not file his administrative request until October 10, 2023. ECF No. 208. This order will not become effective until after the 30 days, so the administrative exhaustion requirements have been met.

release. *See* 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13; *see also United States v. Miamen*, Cr. No. 18-130-1 WES, 2020 WL 1904490, at *2 (D.R.I. Apr. 17, 2020). “The defendant carries the burden on a motion for compassionate release.” *Miamen*, 2020 WL 1904490, at *2.

II. DISCUSSION

Mr. Gonzalez argues that his medical conditions, combined with the fact that he has already served almost his entire 72-month sentence, present extraordinary and compelling reasons to grant him an early release.² Mr. Gonzalez is 56 years old and has shown that he suffers from many serious health conditions, including a deteriorating heart condition, arthritis in the hips (requiring a hip replacement), sleep apnea, obesity, diabetes (insulin dependent), and hearing loss. ECF No. 207.

In reviewing the § 3553(a) factors, the Court finds that a slightly reduced sentence is appropriate given the history and characteristics of the defendant, including the accrual of good time credits and his demonstrated progress toward his GED and various workplace certifications. ECF No. 203. The Court further finds that early release will meet all the § 3553(a) factors of deterrence, rehabilitation, respect for the law, and punishment. The reduced sentence is sufficient but not more than necessary to accomplish these goals. Finally, the Court finds that Mr. Gonzalez is not a danger to the safety of any other person or to the community.

² The BOP website notes that Mr. Gonzalez is to be released in about 11 months on October 12, 2024. Federal Bureau of Prisons, *Inmate Locator*, <https://www.bop.gov/inmateloc/> (last visited Nov. 3, 2023). His initial sentence was 72 months but has been reduced significantly due to good time credits. ECF No. 207.

III. CONCLUSION

The Court finds that Mr. Gonzalez has established extraordinary and compelling reasons in support of his motion for a reduction in sentence and that a reduced sentence meets all the § 3553(a) factors. *See* 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13. The Court therefore GRANTS his Motion for Sentence Reduction. ECF No. 207. This order will go into effect on December 15, 2023, to allow the BOP and Probation time to best assist Mr. Gonzalez to live outside of incarceration. The period and conditions of supervised release will remain the same.

IT IS SO ORDERED.

s/John J. McConnell, Jr.

John J. McConnell, Jr.
Chief Judge
United States District Court

November 3, 2023